

March 11, 2002

Norfolk Southern Railway Company,
Petitioner,

v.

City of Jacksonville, Illinois, Illinois Department of Transportation,
and the Burlington Northern and Santa Fe Railway Company,
Respondents.

T01-0070

Petition to permit closing of an existing at-grade crossing in the
City of Jacksonville, Morgan County, Illinois To-Wit: Brown Street
(MP 447.47WC; DOT 479 403P) and to consider improvements
at Johnson Street (MP 446.86WC; DOT 479 401B); Howe Street
(MP 447.15WC; DOT 479 402H); East Street (MP 447.73WC;
DOT 479 405D); Prairie Street (MP 448.30WC; DOT 479 410A);
Diamond Street (MP 448.40WC; DOT 479 411G); Caldwell Street
(MP 448.73WC; DOT 479 413V); Sandusky Street (MP
448.89WC; DOT 479 414C); Webster Street (MP 449.05WC;
DOT 479 416R).

STAFF RECOMMENDATION

The Petition in this matter filed by the Norfolk Southern Railway Company ("NS") requests permission from the Illinois Commerce Commission ("Commission"), to improve nine crossings of its track(s) with Johnson Street, Howe Street, East Street, Prairie Street, Diamond Street, Caldwell Street, Sandusky Street, and Webster Street in the City of Jacksonville ("City"), Morgan County, by the installation of automatic flashing light signals and gates controlled by constant warning time circuitry. The Petition also requests the Commission require that the Brown Street crossing be closed, abolished and barricaded to vehicular traffic. The NS further requests in its Petition that the cost of the aforementioned improvements be divided between the Commission's Grade Crossing Protection Fund and the NS with no cost being assessed to the City.

After review of the evidence in this record, the parties agree that the Johnson Street, Howe Street, East Street, Prairie Street, Diamond Street, Caldwell Street, Sandusky Street, and Webster Street crossings be equipped with automatic flashing light signals and gates controlled by constant warning time circuitry (Petitioner's Group Exhibit No. 5). The only point of contention between the parties is the NS's request for Commission approval to close, abolish, and barricade the Brown Street crossing. This disagreement arises from the fact that several hundred feet north of the NS main line track proposed for closure, a y-track extends through Brown Street connecting the NS with a track

of the Burlington Northern Santa Fe Railway Company ("BNSF"). Train traffic on this y-track, which is used to transfer rail cars between the two railroads, amounts to an average of two trains per week at a maximum speed of less than 10 mph. The numbers of rail cars transferred vary from train to train, but do not exceed 10 cars at a time. Depending upon conflicting testimony of the parties, there are from 3-5 residences located between the NS main line track and the y-track. Some parties are of the opinion that if the NS main line crossing with Brown Street is closed to vehicular traffic, and a train is occupying the y-track, emergency vehicles cannot gain access to the residences located between the two tracks. However, staff has made arrangements with the two railroads that will drastically reduce the amount of time the y-track is occupied by a train. These arrangements are as follows:

- the NS and BNSF have both issued bulletins to their train crews not to block the y-track crossing;
- train crews have been ordered not to park any rail cars within 100' of the crossing; and,
- both railroads now require a member of the train crew to flag all train movements over the y-track crossing.

In addition, there are other reasons staff supports the closure of the NS Brown Street crossing. These reasons are as follows.

- the length of trains are so short that the amount of time a train occupies the crossing is very minimal;
- there are currently 12 at-grade crossings on the NS main line within the City of Jacksonville, a distance of 2.2 miles; there is not another section of NS track in the State of Illinois with this density of rail/highway crossings; this density of crossings results in a high exposure factor between vehicles and trains; the higher the exposure factor, the greater the chance for a collision between a car and a vehicle;
- no evidence was presented by the City documenting any problems or complaints concerning the y-track crossing being occupied by a train for such a period of time that it caused an access problem for fire, police, or other emergency vehicles; and,
- from evidence presented by the NS, there is an access road that allowed the aforementioned residences emergency access into and out of the area between the NS main line track and the y-track; this roadway was labeled "dog path" road which is still in existence.

The trains operate so infrequently over the y-track crossing at Brown Street that the crossing will only be blocked, under normal circumstances, when occupied by a moving train. The only way left for the possible blockage of the Brown Street y-track crossing is by a derailment over the crossing. As stated previously, the interchange of cars between the NS and BNSF is infrequent and does not involve a large amount of rail cars. However, a train that derails on the crossing will prevent access to the area until the rail cars are cleared from the roadway. Nobody can prevent such an occurrence.

Staff recommends that the cost for the aforementioned improvements, which include the improvement of the eight crossings by the installation of the automatic flashing light signals and gates controlled by constant warning time circuitry and the closure of the Brown Street crossing, be divided in the manner as described in Table No. 1 below.

Table 1

Improvement	Estimated Cost	GCPF	NS
Install automatic flashing light signals and gates at the Johnson Street, Howe Street, East Street, Prairie Street, Diamond Street, Caldwell Street, Sandusky Street, Webster Street.	Johnson Street-\$155,000 Howe Street-\$184,200 East Street-\$148,500 Prairie Street-\$143,700 Diamond Street-\$184,800 Caldwell Street-\$182,600 Sandusky Street-\$135,200 Webster Street-\$123,500	90% in an amount not to exceed \$1,131,750	Remainder
Close, abolish, and barricade the Brown Street crossing.	\$21,300	0%	100%
Total	\$1,278,800	\$1,131,750	\$147,050

the amount to be paid by the Fund toward the warning device installations at the eight aforementioned NS crossings should not exceed \$1,131,750; all cost to close, abolish, and barricade the NS Brown Street main line crossing and all cost of future maintenance and operation of the warning devices at the remaining eight crossings is to be borne by the NS. No cost is to be assessed to the City of Jacksonville.

In the event the Administrative Law Judge or Commission are of the opinion that the Brown Street crossing should be retained and improved with the installation of automatic flashing light signals and gates controlled by constant

warning time circuitry, staff is of the opinion that the cost for the warning device installation at Brown Street should be divided in the same percentage and between the same parties as the warning device improvements at the other eight crossings as further shown in Table 2 below.

Table 2

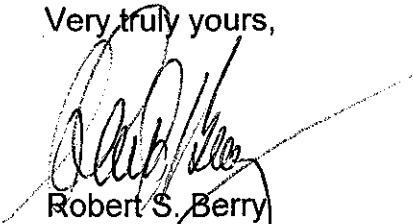
Improvement	Estimated Cost	GCPF	NS
Install automatic flashing light signals and gates at the Johnson Street, Howe Street, East Street, Prairie Street, Diamond Street, Caldwell Street, Sandusky Street, Webster Street, and Brown Street.	Johnson Street-\$155,000 Howe Street-\$184,200 East Street-\$148,500 Prairie Street-\$143,700 Diamond Street-\$184,800 Caldwell Street-\$182,600 Sandusky Street-\$135,200 Webster Street-\$123,500 Brown Street-\$184,200	90% in an amount not to exceed \$1,297,530	Remainder
Total	\$1,441,700	\$1,297,530	\$144,170

the amount to be paid by the Fund toward the warning device installations at the nine aforementioned NS crossings should not exceed \$1,297,530; all cost of future maintenance and operation of the warning devices at all nine crossings is to be borne by the NS. No cost is to be assessed to the City of Jacksonville.

The aforementioned division of cost is the same as contained in the Stipulated Agreement prepared by staff and submitted to the parties prior to the NS filing its Petition requesting, among other things, the closure of the Brown Street crossing.

With the permission of the Administrative Law Judge, the time for the submission of responses to Staff's Recommendation is hereby extended to March 22, 2002.

Very truly yours,


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cc:

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